

**Executive Summary – Enforcement Matter – Case No. 48394**  
**E. I. du Pont de Nemours and Company**  
**RN100542711**  
**Docket No. 2014-0377-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2014-0868-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 25, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$25,000

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$12,500

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$12,500

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$25,000

**Applicable Penalty Policy:** September 2011

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E. I. du Pont de Nemours and Company  
RN100542711  
Docket No. 2014-0377-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 4, 2014

**Date(s) of NOE(s):** February 28, 2014

***Violation Information***

Failed to prevent unauthorized emissions. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 20204, Special Conditions No. 1, and Federal Operating Permit No. O2055, General Terms and Conditions and Special Terms and Conditions No. 12].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
  - a. Within 30 days, implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on November 12, 2013 (Incident No. 190675); and
  - b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 48394**  
**E. I. du Pont de Nemours and Company**  
**RN100542711**  
**Docket No. 2014-0377-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Farhaud Abbaszadeh, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565

**Respondent:** John R. Laughlin, Site Manager, E. I. du Pont de Nemours and  
Company, P.O. Box 1089, Orange, Texas 77631  
Steven Barger, Environmental Engineer, E. I. du Pont de Nemours and Company, P.O.  
Box 1089, Orange, Texas 77631

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2014-0377-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>E. I. du Pont de Nemours and Company</b>
<b>Penalty Amount:</b>	<b>Twenty-Five Thousand Dollars (\$25,000)</b>
<b>SEP Offset Amount:</b>	<b>Twelve Thousand Five Hundred Dollars (\$12,500)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Congress of Parents and Teachers dba Texas PTA</b>
<b>Project Name:</b>	<b><i>Texas PTA Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Statewide, with preference for Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

E. I. du Pont de Nemours and Company  
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA  
408 West 11th Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### **7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	4-Mar-2014	<b>Screening</b>	10-Mar-2014	<b>EPA Due</b>	
	<b>PCW</b>	10-Mar-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	E. I. du Pont de Nemours and Company		
<b>Reg. Ent. Ref. No.</b>	RN100542711		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48394	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-0377-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Farhaud Abbaszadeh
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$25,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	100.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$25,000
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Notes: Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, 13 orders with a denial of liability, and two orders without a denial of liability.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$101  
Approx. Cost of Compliance \$2,500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$50,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$50,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$25,000
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$25,000
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Screening Date 10-Mar-2014

Docket No. 2014-0377-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48394

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	13	260%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 332%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, 13 orders with a denial of liability, and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 332%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 10-Mar-2014

Docket No. 2014-0377-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 48394

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 20204, Special Conditions No. 1, and Federal Operating Permit No. O2055, General Terms and Conditions and Special Terms and Conditions No. 12

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,435 pounds ("lbs") of gaseous ethylene, 1,222 lbs of propane, and 371 lbs of methacrylic acid from the Dump Valve Stacks, Emission Point Number PLUM-G, during an emissions event (Incident No. 190675) that occurred on November 12, 2013 and lasted 11 minutes. This event occurred when the sealing edge of the cone joint was not properly sealed and a torque wrench with a torque specification of 75 foot pounds was used on the valve rather than the required torque specification of 85 to 110 foot pounds which resulted in a jet fire near the Pressure Energy Recovery Process valves. The unit was shut down and the emissions from the unit were released to the atmosphere. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$101

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

# Economic Benefit Worksheet

**Respondent** E. I. du Pont de Nemours and Company  
**Case ID No.** 48394  
**Reg. Ent. Reference No.** RN100542711  
**Media** Air  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Nov-2013	2-Sep-2014	0.81	\$101	n/a	\$101

### Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as incident No. 190675. The Date Required is the date the emissions event occurred. The Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$101



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600128284, RN100542711, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600128284, E. I. du Pont de Nemours and Company	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 7.99
<b>Regulated Entity:</b>	RN100542711, DUPONT SABINE RIVER WORKS	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 19.38
<b>Complexity Points:</b>	49	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	3055 FARM-TO-MARKET ROAD 1006 ORANGE, TEXAS 77630-8045, ORANGE COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER OC0007J  
**AIR OPERATING PERMITS** PERMIT 1896  
**AIR OPERATING PERMITS** PERMIT 1898  
**AIR OPERATING PERMITS** PERMIT 1900  
**AIR OPERATING PERMITS** PERMIT 1996  
**AIR OPERATING PERMITS** PERMIT 2055  
**AIR OPERATING PERMITS** PERMIT 2331  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00193  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30019  
**AIR NEW SOURCE PERMITS** REGISTRATION 72030  
**AIR NEW SOURCE PERMITS** PERMIT 914  
**AIR NEW SOURCE PERMITS** REGISTRATION 1423  
**AIR NEW SOURCE PERMITS** PERMIT 1423B  
**AIR NEW SOURCE PERMITS** PERMIT 2004  
**AIR NEW SOURCE PERMITS** PERMIT 2490  
**AIR NEW SOURCE PERMITS** PERMIT 7021  
**AIR NEW SOURCE PERMITS** REGISTRATION 10447  
**AIR NEW SOURCE PERMITS** REGISTRATION 12967  
**AIR NEW SOURCE PERMITS** PERMIT 17157  
**AIR NEW SOURCE PERMITS** PERMIT 21236  
**AIR NEW SOURCE PERMITS** REGISTRATION 23646  
**AIR NEW SOURCE PERMITS** REGISTRATION 25167  
**AIR NEW SOURCE PERMITS** REGISTRATION 26325  
**AIR NEW SOURCE PERMITS** REGISTRATION 28148  
**AIR NEW SOURCE PERMITS** REGISTRATION 36046  
**AIR NEW SOURCE PERMITS** REGISTRATION 41263  
**AIR NEW SOURCE PERMITS** REGISTRATION 44528  
**AIR NEW SOURCE PERMITS** REGISTRATION 47671  
**AIR NEW SOURCE PERMITS** REGISTRATION 71863  
**AIR NEW SOURCE PERMITS** PERMIT 49076  
**AIR NEW SOURCE PERMITS** REGISTRATION 70647  
**AIR NEW SOURCE PERMITS** REGISTRATION 71054  
**AIR NEW SOURCE PERMITS** REGISTRATION 56781  
**AIR NEW SOURCE PERMITS** REGISTRATION 55710  
**AIR NEW SOURCE PERMITS** REGISTRATION 72443  
**AIR NEW SOURCE PERMITS** REGISTRATION 56055  
**AIR NEW SOURCE PERMITS** REGISTRATION 109695  
**AIR NEW SOURCE PERMITS** REGISTRATION 76581  
**AIR NEW SOURCE PERMITS** REGISTRATION 76580  
**AIR NEW SOURCE PERMITS** REGISTRATION 76690

**AIR OPERATING PERMITS** PERMIT 1895  
**AIR OPERATING PERMITS** PERMIT 1897  
**AIR OPERATING PERMITS** PERMIT 1899  
**AIR OPERATING PERMITS** PERMIT 1901  
**AIR OPERATING PERMITS** PERMIT 2001  
**AIR OPERATING PERMITS** PERMIT 2074  
**AIR OPERATING PERMITS** PERMIT 1882  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD008079642  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50230

**AIR NEW SOURCE PERMITS** PERMIT 9629  
**AIR NEW SOURCE PERMITS** PERMIT 914A  
**AIR NEW SOURCE PERMITS** PERMIT 1423A  
**AIR NEW SOURCE PERMITS** PERMIT 1423C  
**AIR NEW SOURCE PERMITS** PERMIT 2116  
**AIR NEW SOURCE PERMITS** PERMIT 5745  
**AIR NEW SOURCE PERMITS** PERMIT 9176  
**AIR NEW SOURCE PERMITS** REGISTRATION 11434  
**AIR NEW SOURCE PERMITS** REGISTRATION 16327  
**AIR NEW SOURCE PERMITS** PERMIT 20204  
**AIR NEW SOURCE PERMITS** REGISTRATION 22977  
**AIR NEW SOURCE PERMITS** REGISTRATION 24252  
**AIR NEW SOURCE PERMITS** REGISTRATION 26158  
**AIR NEW SOURCE PERMITS** REGISTRATION 26410  
**AIR NEW SOURCE PERMITS** REGISTRATION 32733  
**AIR NEW SOURCE PERMITS** REGISTRATION 37488  
**AIR NEW SOURCE PERMITS** REGISTRATION 42054  
**AIR NEW SOURCE PERMITS** REGISTRATION 46790  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER OC0007J  
**AIR NEW SOURCE PERMITS** REGISTRATION 75999  
**AIR NEW SOURCE PERMITS** AFS NUM 4836100002  
**AIR NEW SOURCE PERMITS** REGISTRATION 70650  
**AIR NEW SOURCE PERMITS** REGISTRATION 71338  
**AIR NEW SOURCE PERMITS** REGISTRATION 53324  
**AIR NEW SOURCE PERMITS** REGISTRATION 71829  
**AIR NEW SOURCE PERMITS** REGISTRATION 53572  
**AIR NEW SOURCE PERMITS** REGISTRATION 73921  
**AIR NEW SOURCE PERMITS** REGISTRATION 73779  
**AIR NEW SOURCE PERMITS** REGISTRATION 76955  
**AIR NEW SOURCE PERMITS** REGISTRATION 76726  
**AIR NEW SOURCE PERMITS** REGISTRATION 78770

AIR NEW SOURCE PERMITS REGISTRATION 78820  
AIR NEW SOURCE PERMITS REGISTRATION 78445  
AIR NEW SOURCE PERMITS REGISTRATION 80163  
AIR NEW SOURCE PERMITS REGISTRATION 79817  
AIR NEW SOURCE PERMITS REGISTRATION 80740  
AIR NEW SOURCE PERMITS REGISTRATION 80739  
AIR NEW SOURCE PERMITS REGISTRATION 80736  
AIR NEW SOURCE PERMITS REGISTRATION 80930  
AIR NEW SOURCE PERMITS REGISTRATION 80705  
AIR NEW SOURCE PERMITS REGISTRATION 80707  
AIR NEW SOURCE PERMITS REGISTRATION 80743  
AIR NEW SOURCE PERMITS REGISTRATION 81411  
AIR NEW SOURCE PERMITS REGISTRATION 81430  
AIR NEW SOURCE PERMITS REGISTRATION 81828  
AIR NEW SOURCE PERMITS REGISTRATION 82031  
AIR NEW SOURCE PERMITS REGISTRATION 84794  
AIR NEW SOURCE PERMITS REGISTRATION 90758  
AIR NEW SOURCE PERMITS REGISTRATION 84928  
AIR NEW SOURCE PERMITS REGISTRATION 90117  
AIR NEW SOURCE PERMITS REGISTRATION 91404  
AIR NEW SOURCE PERMITS REGISTRATION 91433  
AIR NEW SOURCE PERMITS REGISTRATION 93700  
AIR NEW SOURCE PERMITS REGISTRATION 95774  
AIR NEW SOURCE PERMITS REGISTRATION 98962  
AIR NEW SOURCE PERMITS REGISTRATION 100489  
AIR NEW SOURCE PERMITS REGISTRATION 100124  
AIR NEW SOURCE PERMITS REGISTRATION 101051  
AIR NEW SOURCE PERMITS REGISTRATION 99542  
AIR NEW SOURCE PERMITS REGISTRATION 101075  
AIR NEW SOURCE PERMITS REGISTRATION 101065  
AIR NEW SOURCE PERMITS REGISTRATION 97864  
AIR NEW SOURCE PERMITS REGISTRATION 98907  
AIR NEW SOURCE PERMITS REGISTRATION 98665  
AIR NEW SOURCE PERMITS REGISTRATION 98937  
AIR NEW SOURCE PERMITS REGISTRATION 104095  
AIR NEW SOURCE PERMITS REGISTRATION 104083  
AIR NEW SOURCE PERMITS REGISTRATION 101938  
AIR NEW SOURCE PERMITS REGISTRATION 104054  
AIR NEW SOURCE PERMITS REGISTRATION 104059  
AIR NEW SOURCE PERMITS REGISTRATION 102344  
AIR NEW SOURCE PERMITS REGISTRATION 102561  
AIR NEW SOURCE PERMITS REGISTRATION 104052  
AIR NEW SOURCE PERMITS REGISTRATION 104723  
AIR NEW SOURCE PERMITS REGISTRATION 104057  
AIR NEW SOURCE PERMITS REGISTRATION 110513  
AIR NEW SOURCE PERMITS REGISTRATION 113437  
AIR NEW SOURCE PERMITS REGISTRATION 108759  
AIR NEW SOURCE PERMITS REGISTRATION 107032  
AIR NEW SOURCE PERMITS REGISTRATION 107487  
AIR NEW SOURCE PERMITS REGISTRATION 107832  
AIR NEW SOURCE PERMITS REGISTRATION 114657  
AIR NEW SOURCE PERMITS REGISTRATION 106680  
AIR NEW SOURCE PERMITS REGISTRATION 106821  
AIR NEW SOURCE PERMITS REGISTRATION 116840  
AIR NEW SOURCE PERMITS REGISTRATION 115226  
AIR NEW SOURCE PERMITS REGISTRATION 107580  
AIR NEW SOURCE PERMITS REGISTRATION 111631  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
1810114  
WATER RIGHTS ID NUMBER 4664

AIR NEW SOURCE PERMITS REGISTRATION 79048  
AIR NEW SOURCE PERMITS REGISTRATION 79512  
AIR NEW SOURCE PERMITS REGISTRATION 80331  
AIR NEW SOURCE PERMITS REGISTRATION 80113  
AIR NEW SOURCE PERMITS REGISTRATION 80742  
AIR NEW SOURCE PERMITS REGISTRATION 80738  
AIR NEW SOURCE PERMITS REGISTRATION 80712  
AIR NEW SOURCE PERMITS REGISTRATION 81074  
AIR NEW SOURCE PERMITS REGISTRATION 80706  
AIR NEW SOURCE PERMITS REGISTRATION 80711  
AIR NEW SOURCE PERMITS REGISTRATION 81410  
AIR NEW SOURCE PERMITS REGISTRATION 81431  
AIR NEW SOURCE PERMITS REGISTRATION 81292  
AIR NEW SOURCE PERMITS REGISTRATION 81587  
AIR NEW SOURCE PERMITS REGISTRATION 83760  
AIR NEW SOURCE PERMITS REGISTRATION 85529  
AIR NEW SOURCE PERMITS REGISTRATION 86825  
AIR NEW SOURCE PERMITS REGISTRATION 91170  
AIR NEW SOURCE PERMITS REGISTRATION 87511  
AIR NEW SOURCE PERMITS REGISTRATION 91398  
AIR NEW SOURCE PERMITS REGISTRATION 92418  
AIR NEW SOURCE PERMITS REGISTRATION 95104  
AIR NEW SOURCE PERMITS REGISTRATION 99037  
AIR NEW SOURCE PERMITS REGISTRATION 98635  
AIR NEW SOURCE PERMITS REGISTRATION 100137  
AIR NEW SOURCE PERMITS REGISTRATION 101050  
AIR NEW SOURCE PERMITS REGISTRATION 101160  
AIR NEW SOURCE PERMITS REGISTRATION 99960  
AIR NEW SOURCE PERMITS REGISTRATION 99940  
AIR NEW SOURCE PERMITS REGISTRATION 101055  
AIR NEW SOURCE PERMITS REGISTRATION 101137  
AIR NEW SOURCE PERMITS REGISTRATION 96918  
AIR NEW SOURCE PERMITS REGISTRATION 98924  
AIR NEW SOURCE PERMITS REGISTRATION 101083  
AIR NEW SOURCE PERMITS REGISTRATION 104097  
AIR NEW SOURCE PERMITS REGISTRATION 102793  
AIR NEW SOURCE PERMITS REGISTRATION 104088  
AIR NEW SOURCE PERMITS REGISTRATION 102106  
AIR NEW SOURCE PERMITS REGISTRATION 104086  
AIR NEW SOURCE PERMITS REGISTRATION 104091  
AIR NEW SOURCE PERMITS REGISTRATION 104048  
AIR NEW SOURCE PERMITS REGISTRATION 104050  
AIR NEW SOURCE PERMITS REGISTRATION 104090  
AIR NEW SOURCE PERMITS REGISTRATION 102624  
AIR NEW SOURCE PERMITS REGISTRATION 109384  
AIR NEW SOURCE PERMITS REGISTRATION 108655  
AIR NEW SOURCE PERMITS REGISTRATION 110188  
AIR NEW SOURCE PERMITS REGISTRATION 108747  
AIR NEW SOURCE PERMITS REGISTRATION 106067  
AIR NEW SOURCE PERMITS REGISTRATION 107933  
AIR NEW SOURCE PERMITS REGISTRATION 106268  
AIR NEW SOURCE PERMITS REGISTRATION 114763  
AIR NEW SOURCE PERMITS REGISTRATION 108569  
AIR NEW SOURCE PERMITS REGISTRATION 106740  
AIR NEW SOURCE PERMITS REGISTRATION 115102  
AIR NEW SOURCE PERMITS REGISTRATION 115609  
AIR NEW SOURCE PERMITS REGISTRATION 108092  
STORMWATER PERMIT TXR05L392

WASTEWATER PERMIT WQ0000475000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0007J

Compliance History Period: September 01, 2008 to August 31, 2013 Rating Year: 2013 Rating Date: 09/01/2013

Date Compliance History Report Prepared: March 05, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 05, 2009 to March 05, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Farhaud Abbaszadeh

Phone: (512) 239-0779

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J****A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 04/20/2009 ADMINORDER 2008-1315-IWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 2 Effective Date: 05/18/2009 ADMINORDER 2008-0971-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:914, Special Condition 1 PERMIT  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 15 OP  
Description: Failure to maintain an emission rate below the allowable emission limit. Incident 102860.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:9176, Special Condition 1 PERMIT  
O-02001, General Terms and Conditions OP  
O-02001, Special Condition 8 OP  
Description: Failure to maintain an emission rate below the allowable emission limit. Incident 103221.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Terms and Conditions OP  
Special Condition 1 OP  
Special Condition 8 PERMIT  
Description: Failure to notify the agency within 24 hours of the discovery of an emissions event. Specifically, the reportable event report for the February 2, 2008, emissions event was not submitted 24 hours after the discovery of the event.

- 3 Effective Date: 06/01/2009 ADMINORDER 2008-1923-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)  
Description: Failed to provide an air gap connection to waste for the FTW connection at the Facility.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)  
Description: Failed to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)  
Description: Failed to post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
Description: Failed to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)  
Description: Failed to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failed to maintain an up-to-date plant operations manual for operator review and reference.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
Description: Failed to maintain the Facility's clearwell in strict accordance with current AWWA standards.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
Description: Failed to provide an up-to-date map of the distribution system.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(D)  
Description: Failed to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells.
- 4 Effective Date: 06/15/2009 ADMINORDER 2008-1817-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 8 OP  
Description: Failure to maintain an emission rate below the allowable emission limits.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 2F OP  
Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 110539.
- 5 Effective Date: 07/09/2009 ADMINORDER 2008-1167-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)



Rqmt Prov: NSR Permit No. 9629, SC 12 PERMIT

O-02331 General Terms and Conditions OP

O-02331 Special Condition 6 OP

Description: Failed to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.140(c)(1)  
30 TAC Chapter 117, SubChapter B 117.140(e)  
30 TAC Chapter 117, SubChapter B 117.340(c)(1)  
30 TAC Chapter 117, SubChapter B 117.340(f)(1)  
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9629 Special Condition 3 PERMIT

O-02331 General Terms and Conditions OP

O-02331 Special Condition 1A OP

O-02331 Special Condition 1D OP

O-02331 Special Condition 4B OP

O-02331 Special Condition 4F OP

O-02331 Special Condition 6 OP

Description: Failed to conduct a Relative Accuracy Test ("RAT") and a 7-day Calibration Drift ("CD") test on a NOx analyzer in the Cogeneration Unit, which resulted in the inability to certify that the continuous emissions monitoring system ("CEMS") was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.140(d)  
30 TAC Chapter 117, SubChapter B 117.140(e)  
30 TAC Chapter 117, SubChapter B 117.340(e)  
30 TAC Chapter 117, SubChapter B 117.340(f)(1)  
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(iii)  
30 TAC Chapter 117, SubChapter G 117.8120(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9629 Special Condition 3 PERMIT

O-02331 General Terms and Conditions OP

O-02331 Special Condition 1A OP

O-02331 Special Condition 1D OP

O-02331 Special Condition 4B OP

O-02331 Special Condition 4F OP

O-02331 Special Condition 6 OP

Description: Failed to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9176, Special Condition 1 PERMIT

O-02001, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02001 General Terms and Conditions OP  
O-02001 Special Condition 2G OP

Description: Failed to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail.

6 Effective Date: 10/04/2009 ADMINORDER 2009-0285-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02001 Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for T CEQ Incident No. 116375.

7 Effective Date: 10/31/2009 ADMINORDER 2009-0600-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 20204, Special Condition 1 PERMIT  
O-02055, General Terms and Conditions OP  
O-02055, Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 20204 Special Condition 1 PERMIT  
FOP O-02055 General Terms and Conditions OP  
FOP O-02055 Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:914, Special Condition 1 PERMIT  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:914, Special Condition 1 PERMIT  
O-02074, General Terms and Conditions OP  
O-02074, Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

8 Effective Date: 02/07/2010 ADMINORDER 2009-1011-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits (Incident 121831). Specifically, the emissions event was caused by the Suction Separator, Purge Compressor 1st, 2nd, 3rd, and 4th Stage Blowdowns, and Wax Tank Vent being left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve.

9 Effective Date: 07/11/2010 ADMINORDER 2009-1958-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL CONDITIONS OP  
SC 1 PERMIT  
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

10 Effective Date: 03/19/2011 ADMINORDER 2010-0839-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL CONDITIONS OP  
SC 1 PERMIT  
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 335, SubChapter H 335.221(a)(15)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Condition X(B)(1)(j) PERMIT  
SC 17 OP  
SC 1A OP

Description: Failure to comply with the carbon monoxide emission limit of 14.6 lb/hr at the Incinerator as reported in the deviation reports for September 1, 2008, until February 28, 2009, and March 1, 2009, until August 31, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP  
SC 1 PERMIT  
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

11 Effective Date: 08/13/2011 ADMINORDER 2011-0208-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC 1 PERMIT  
SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 146789.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failure to satisfy the final reporting requirements for a reportable emissions event for Incident 145301.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC 1 PERMIT  
SC 1A OP

Description: Failure to maintain an emission rate below the allowable emission limit for Incident 145301.

- 12      Effective Date: 05/25/2012      ADMINORDER 2011-1732-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
  
5C THSC Chapter 382 382.085(b)  
Description: Failed to timely submit the final record for a maintenance activity (Incident No. 155487). Specifically, the maintenance activity began on June 10, 2011 and ended on June 11, 2011, and the final record was submitted on July 19, 2011, more than two weeks after the end of the maintenance activity  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:SC 1 PERMIT  
SC 1A OP  
Description: Failed to prevent unauthorized emissions during a maintenance activity (Incident No. 155487). Specifically, during a scheduled maintenance activity that began on June 10, 2011, and lasted approximately 16 hours and 20 minutes, the Respondent released approximately 4,024.75 pounds ("lbs") of volatile organic compounds and 4,958.96 lbs of particulate matter from the Regenerative Thermal Oxidizer's Baghouse Vent [Emission Point No. PL-10] located in the D Unit.
- 13      Effective Date: 04/07/2013      ADMINORDER 2012-1198-IWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov:Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 14      Effective Date: 04/27/2013      ADMINORDER 2012-0624-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:GENERAL TERMS AND CONDITIONS OP  
SC 1 PERMIT  
SC 8 OP  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:GENERAL TERMS AND CONDITIONS OP  
SC 1 PERMIT  
SC 8 OP  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:GENERAL TERMS AND CONDITIONS OP  
SC 1 PERMIT  
SC 8 OP  
Description: Failed to prevent unauthorized emissions.
- 15      Effective Date: 06/03/2013      ADMINORDER 2012-2344-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:SC 1 PERMIT

SC 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 169473.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT  
SC 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits for Incident 172088.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	March 23, 2009	(737577)
Item 2	March 25, 2009	(724903)
Item 3	April 23, 2009	(750319)
Item 4	May 11, 2009	(741609)
Item 5	May 22, 2009	(768403)
Item 6	June 04, 2009	(744517)
Item 7	June 14, 2009	(768404)
Item 8	July 23, 2009	(762808)
Item 9	July 28, 2009	(804796)
Item 10	August 24, 2009	(804795)
Item 11	September 10, 2009	(762825)
Item 12	September 11, 2009	(767515)
Item 13	September 15, 2009	(775525)
Item 14	September 24, 2009	(764051)
Item 15	October 01, 2009	(764835)
Item 16	October 05, 2009	(764127)
Item 17	October 14, 2009	(767507)
Item 18	October 23, 2009	(804797)
Item 19	November 03, 2009	(780849)
Item 20	November 23, 2009	(804798)
Item 21	November 24, 2009	(781552)
Item 22	December 09, 2009	(784937)
Item 23	January 11, 2010	(804799)
Item 24	January 22, 2010	(804800)
Item 25	January 28, 2010	(785297)
Item 26	February 01, 2010	(788600)
Item 27	February 16, 2010	(791368)
Item 28	February 25, 2010	(804793)
Item 29	March 22, 2010	(793111)
Item 30	April 20, 2010	(830933)
Item 31	May 20, 2010	(830934)
Item 32	May 26, 2010	(802185)
Item 33	June 03, 2010	(802860)
Item 34	June 10, 2010	(802838)
Item 35	June 21, 2010	(846284)
Item 36	July 21, 2010	(860879)
Item 37	July 31, 2010	(826906)
Item 38	August 20, 2010	(866847)
Item 39	September 16, 2010	(864081)
Item 40	September 22, 2010	(873917)
Item 41	October 04, 2010	(865152)

Item 42	October 20, 2010	(881518)
Item 43	November 18, 2010	(888044)
Item 44	November 29, 2010	(877136)
Item 45	December 15, 2010	(896259)
Item 46	January 19, 2011	(891097)
Item 47	January 20, 2011	(902320)
Item 48	January 21, 2011	(887844)
Item 49	February 03, 2011	(893116)
Item 50	February 15, 2011	(909102)
Item 51	February 23, 2011	(899236)
Item 52	March 16, 2011	(916357)
Item 53	April 11, 2011	(924832)
Item 54	April 18, 2011	(912901)
Item 55	May 11, 2011	(912705)
Item 56	May 18, 2011	(938043)
Item 57	May 31, 2011	(915887)
Item 58	June 14, 2011	(945411)
Item 59	July 13, 2011	(952639)
Item 60	July 19, 2011	(922140)
Item 61	August 16, 2011	(959321)
Item 62	September 16, 2011	(965354)
Item 63	September 22, 2011	(956748)
Item 64	October 17, 2011	(971394)
Item 65	October 26, 2011	(962475)
Item 66	November 17, 2011	(977553)
Item 67	November 29, 2011	(958427)
Item 68	December 13, 2011	(984321)
Item 69	January 31, 2012	(981940)
Item 70	February 19, 2012	(987680)
Item 71	May 25, 2012	(1006347)
Item 72	June 15, 2012	(1013697)
Item 73	June 23, 2012	(1024186)
Item 74	July 06, 2012	(1014731)
Item 75	August 22, 2012	(1037956)
Item 76	October 16, 2012	(1060922)
Item 77	November 16, 2012	(1060923)
Item 78	December 13, 2012	(1060924)
Item 79	January 17, 2013	(1078996)
Item 80	January 24, 2013	(1053366)
Item 81	February 18, 2013	(1078995)
Item 82	March 14, 2013	(1089322)
Item 83	April 17, 2013	(1095716)
Item 84	May 16, 2013	(1106641)
Item 85	May 21, 2013	(1087756)
Item 86	May 24, 2013	(1093717)
Item 87	June 11, 2013	(1110317)
Item 88	June 27, 2013	(1100301)
Item 89	July 23, 2013	(1117201)
Item 90	August 19, 2013	(1124957)
Item 91	September 19, 2013	(1129557)
Item 92	October 22, 2013	(1135287)
Item 93	November 17, 2013	(1140686)
Item 94	November 27, 2013	(1133673)
Item 95	December 03, 2013	(1124249)
Item 96	December 11, 2013	(1147145)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:    08/13/2013    (1101129)      CN600128284  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 115, SubChapter D 115.352(4)  
                 30 TAC Chapter 116, SubChapter B 116.115(c)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)  
                 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)  
  
                 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
                 Special Condition 4E PERMIT  
                 Special Term & Condition 11 OP  
                 Special Term & Condition 1A OP  
Description:    Failure to prevent open-ended lines.  
  
                 (C10)  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)  
                 5C THSC Chapter 382 382.085(b)  
                 GENERAL TERMS AND CONDITIONS OP  
Description:    Failure to maintain the representations of NSR Permit 9176.  
  
                 (Category B19(g)(1))
- 2      Date:    08/30/2013    (1072932)      CN600128284  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)  
                 5C THSC Chapter 382 382.085(b)  
                 Special Conditions, 16 PERMIT  
                 Special Terms and Conditions, 11A OP  
Description:    Failure to demonstrate seal integrity of the floating roof for the Number 1 Vinly  
                 Acetate (VA) tank.  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)  
                 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
                 5C THSC Chapter 382 382.085(b)  
                 Special Condition, 6A PERMIT  
                 Special Term & Condition 11A OP  
                 Special Term & Condition 1A OP  
Description:    Failure to maintain the CDG Flare one-hour average BTU value at or above 300  
                 Btu/scf.  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 115, SubChapter D 115.352(4)  
                 30 TAC Chapter 116, SubChapter B 116.115(c)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)  
                 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
                 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)  
                 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
                 5C THSC Chapter 382 382.085(b)  
                 Special Condition 4 PERMIT  
                 Special Term & Condition 1A OP  
                 Special Term and Condition, 11A OP  
                 Special Terms and Conditions, 3E PERMIT  
Description:    Failure to prevent open-ended lines.  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 115, SubChapter D 115.354(4)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)  
                 5C THSC Chapter 382 382.085(b)  
                 Special Term and Condition, 1A OP  
Description:    Failure to monitor pressure relief valve #3 within 24 hours of release.  
Self Report?   NO      Classification:    Moderate  
Citation:      30 TAC Chapter 101, SubChapter A 101.20(3)  
                 30 TAC Chapter 106, SubChapter A 106.6(a)  
                 30 TAC Chapter 115, SubChapter D 115.354(2)  
                 30 TAC Chapter 115, SubChapter D 115.354(3)  
                 30 TAC Chapter 116, SubChapter B 116.110(a)  
                 30 TAC Chapter 116, SubChapter B 116.115(c)  
                 30 TAC Chapter 122, SubChapter B 122.143(4)



40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition, 3C PERMIT  
 Special Condition, 3E PERMIT  
 Special Condition, 3F PERMIT  
 Special Condition, 3G PERMIT  
 Special Condition, 4 PERMIT  
 Special Term & Condition 1A OP

Special Term and Condition, 11 OP

Description: Failure to monitor Leak Detection and Repair (LDAR) components.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 Special Term and Condition, 11 OP

Description: Failure to maintain representation of NSR Permit 20204.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 7 PERMIT  
 Special Terms and Conditions, 11A OP

Description: Failure to provide records of emission rates.

3

Date: 11/22/2013 (1123054) CN600128284  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)  
 P.P.II.C.1.k. PERMIT  
 P.P.II.C.2.a. PERMIT

Description: Failure to properly complete the permitted daily tank inspection with the inspector's full name.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter E 335.112  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to properly complete the less than 90 days daily tank inspections with the inspector's full name.

Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(2)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.35  
 P.P.II.C.1.k. PERMIT  
 P.P.II.C.2.b PERMIT

Description: Failure to provide adequate aisle space between two hazardous waste tractor trailers.

Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 327 327.5  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.51(b)

Description: Failure to immediately respond to a release of hazardous waste located at G-Unit Central Hazardous Waste Tank (NOR 205).

4

Date: 01/24/2014 (1128705) CN600128284  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
 Special Terms and Conditions, 15 OP  
 Special Terms and Conditions, 15, H PERMIT  
 Special Terms and Conditions, 1A OP

Description: Failure to monitor carbon beds  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(5)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions 15 OP

Special Terms and Conditions 15K PERMIT  
Special Terms and Conditions 1A OP

Description: Failure to maintain the incinerator's kiln above 1255 degrees fahrenheit as established during comprehensive performance testing (CPT) and listed in the Notification of Compliance (NOC).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Conditions, 15 OP

Description: Failure to adhere to permit representations

  

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1203(a)(5)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(d)(2)  
5C THSC Chapter 382 382.085(b)  
Special Terms 21(B)(1) PERMIT  
Special Terms and Condition 1A OP  
Special Terms and Conditions 15 OP

Description: Failure to follow proper Continuous Emission Monitoring (CEMS) equipment calibration procedures

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Conditions, 1A OP  
Special Terms and Conditions, 20D PERMIT

Description: Failure to maintain proper scrubber pH as required by Hazardous Waste Permit No. 50230, Table V.H.2.

  

5 Date: 02/04/2014 (1144948) CN600128284

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
Special term & Condition 11 OP

Description: Failure to maintain production rates. (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report a deviation on the previous Semi-Annual Deviation Report. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6A PERMIT  
Special Term & Condition 11 OP

Description: Failure to ensure the CDG Flare British Thermal Units (BTUs) value was maintained. (Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 3(E) PERMIT  
Special Condition 4 PERMIT  
Special Term & Condition 11 OP  
Special Term & Condition 1A OP

Description: Failure to maintain a sealing device on an open-ended line. (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
Special Term & Condition 11 OP

Description: Failure to maintain yearly production rates in the Isobutyl Acrylate (IBA) unit.  
(Category B19g1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to monitor the relief valve within 24 hours of release. (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 PERMIT  
Special Term & Condition 11 OP

Description: Failure to maintain the Regenerative Thermal Oxidizer (RTO) temperature.  
(Category B19g1)

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
E. I. DU PONT DE NEMOURS AND  
COMPANY  
RN100542711**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0377-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a chemical manufacturing plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on February 4, 2014, TCEQ staff documented the Respondent released 14,435 pounds ("lbs") of gaseous ethylene, 1,222 lbs of propane, and 371 lbs of methacrylic acid from the Dump Valve Stacks, Emission Point Number PLUM-G, during an emissions event (Incident No. 190675) that occurred on November 12, 2013 and lasted 11 minutes. This event occurred when the sealing edge of the cone joint was not properly sealed and a torque wrench with a torque specification of 75 foot pounds was used on the valve rather than the required torque specification of 85 to 110 foot pounds which resulted in a jet fire near the Pressure Energy Recovery Process valves. The unit was shut down and the emissions from the unit were released to the atmosphere. The TCEQ determined that the emissions event could have been avoided with better operation and maintenance practices.
4. The Respondent received notice of the violation on March 10, 2014.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant TO TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 20204, Special Conditions No. 1, and Federal Operating Permit No. O2055, General Terms and Conditions and Special Terms and Conditions No. 12. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twelve Thousand Five Hundred Dollars (\$12,500) of the administrative penalty. Twelve Thousand Five Hundred Dollars (\$12,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2014-0377-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Twelve Thousand Five Hundred Dollars (\$12,500) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on November 12, 2013 (Incident No. 190675); and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the

information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.



8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

10/8/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of E. I. du Pont de Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E. I. du Pont de Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, E. I. du Pont de Nemours and Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

JUNE 2, 2014  
Date

JOHN R LAUGHLIN  
Name (Printed or typed)  
Authorized Representative of  
E. I. du Pont de Nemours and Company

SITE MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2014-0377-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>E. I. du Pont de Nemours and Company</b>
<b>Penalty Amount:</b>	<b>Twenty-Five Thousand Dollars (\$25,000)</b>
<b>SEP Offset Amount:</b>	<b>Twelve Thousand Five Hundred Dollars (\$12,500)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Congress of Parents and Teachers dba Texas PTA</b>
<b>Project Name:</b>	<b><i>Texas PTA Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Statewide, with preference for Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

E. I. du Pont de Nemours and Company  
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA  
408 West 11th Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. **Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. **Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. **Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.